

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DETROIT REHABILITATION  
INITIATIVES, LLC,

Plaintiff,

Case No. 21-cv-12924  
Hon. Matthew F. Leitman

v.

AXIS SURPLUS INSURANCE  
COMPANY, *et al.*,

Defendants.

/

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**ORDER (1) TERMINATING DEFENDANT’S MOTION TO DISMISS (ECF  
No. 5) AS MOOT AND (2) GRANTING DEFENDANT LEAVE TO FILE  
MOTION TO DISMISS AMENDED COMPLAINT**

On November 10, 2021, Plaintiff Detroit Rehabilitation Initiatives, LLC, filed a Complaint against the Defendants in the Wayne County Circuit Court. (*See* Compl., ECF No. 1, PageID.6-15.) Defendants thereafter removed Detroit Rehabilitation’s action to this Court. (*See* Notice of Removal, ECF No. 1.) In addition, Defendant Maverick Investments, LLC filed a motion to dismiss. (*See* Mot. to Dismiss, ECF No. 5.) Maverick argues, among other things, that (1) Detroit Rehabilitation had not sought “any relief or allege[d] a cause of action” against it and (2) it had been “fraudulently joined [in this action] to defeat diversity jurisdiction.” (*Id.*, PageID.145.)

On January 17, 2021, Detroit Rehabilitation filed an Amended Complaint. (See Am. Compl., ECF No. 11.) The filing of the Amended Complaint moots Maverick's pending motion to dismiss which is directed at the allegations in the initial Complaint. See, e.g., *Crawford v. Tilley*, 15 F.4th 752, 759 (6th Cir. 2021) (explaining that the "[t]he general rule is that filing an amended complaint moots pending motions to dismiss"). The Court therefore **TERMINATES** Maverick's motion to dismiss (ECF No. 5) **WITHOUT PREJUDICE**. It further **GRANTS** Maverick leave to file a motion to dismiss the Amended Complaint. If Maverick chooses to file such a motion, it shall do so by no later than **February 15, 2022**.

**IT IS SO ORDERED.**

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: January 18, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 18, 2022, by electronic means and/or ordinary mail.

s/ Holly A. Monda

Case Manager

(810) 341-9764